

(Mar. 4, 1923, ch. 262, § 1, 42 Stat. 1486.)

SHORT TITLE

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part that act Mar. 4, 1923, which enacted this chapter, may be cited as the “Filled Milk Act”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 62 of this title.

§ 62. Manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited

It is declared that filled milk, as defined in section 61 of this title, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

(Mar. 4, 1923, ch. 262, § 2, 42 Stat. 1487.)

§ 63. Penalties; acts of agents deemed acts of principals

Any person violating any provision of this chapter shall upon conviction thereof be subject to a fine of not more than \$1,000 or imprisonment of not more than one year, or both. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person.

(Mar. 4, 1923, ch. 262, § 3, 42 Stat. 1487.)

CODIFICATION

The original text of this section contained a further provision that no penalty should be enforced for any violation occurring within 30 days after act Mar. 4, 1923 became law and was omitted as temporary and obsolete.

§ 64. Regulations for enforcement

The Secretary of Health and Human Services is authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purposes of this chapter.

(Mar. 4, 1923, ch. 262, § 4, as added Aug. 27, 1935, ch. 743, 49 Stat. 885; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

“Secretary of Health and Human Services” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see note set out under section 41 of this title.

CHAPTER 4—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

SUBCHAPTER I—EXAMINATION OF ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

Sec.

71 to 99. Transferred, Repealed, or Omitted.

SUBCHAPTER II—IMPORTATION OF CATTLE AND QUARANTINE

- 101. Suspension of importation of all animals.
- 102. Quarantine of imported animals.
- 103. Importation, except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment.
- 104. Importation of animals.
 - (a) In general.
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- 105. Inspection of animals.
- 106, 107. Omitted.

SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

- 111. Regulations to prevent contagious diseases.
- 112. Investigations as to pleuropneumonia, and other diseases; regulations.
- 112a. Omitted.
- 113. Measures to prevent exportation of diseased livestock and live poultry.
- 113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations.
- 114. Regulations for suppression of diseases; cooperation of States and Territories.
- 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; “State” defined.
- 114a-1. Interstate movement of domestic animals reacting to tests for brucellosis; immediate slaughter; rules and regulations.
- 114b. Cooperation in animal disease control.
- 114c. Use of funds.
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 - (a) In general.
 - (b) Terms of sale.
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- 114d-1. Cooperation with public and private entities.
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- 114e. Control and eradication of cattle grubs; research and investigations.
- 114f. “State” defined; authorization of appropriations.
- 114g. Hog cholera eradication program.
- 114h. Advisory committee.
 - (a) Establishment; membership.
 - (b) Functions.
 - (c) Employment status; expenses.
- 114i. Pseudorabies eradication.
 - (a) Findings.
 - (b) Establishment of program.
 - (c) Use of funds for testing and control of pseudorabies.
 - (d) Authorization of appropriations.
- 115. Transportation of diseased livestock and live poultry prohibited.
- 116. Shipment of certain cattle excepted.
- 117. Penalties for transportation of diseased livestock or live poultry.
 - (a) Criminal penalty.
 - (b) Civil penalty.
- 118. Duty of United States attorneys.
- 119. Agents to examine and report on methods of treatment of animals, and means for suppression of diseases.
- 120. Regulation of exportation and transportation of infected livestock and live poultry.
- 121. Shipments from areas suspected infected; control of animals and live poultry.

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122. Offenses; penalty.
123. Quarantine.
124. Transportation or delivery therefor from quarantined State or Territory or portion thereof, of quarantined animals and live poultry, forbidden.
125. Regulations for inspection, disinfection, and certification, and delivery and shipment of quarantined animals and live poultry from State or Territory.
126. Moving quarantined animals and live poultry from State or Territory, under regulations.
127. Transportation from quarantined State, Territory, etc.; penalty.
128. Extension of quarantine law to carriers in interstate commerce.
129. Transfer of funds for emergency arrest of animal, poultry, or plant diseases or pests.
129a. Transfer of funds for emergency arrest of animal or poultry diseases.
130. Pleuropneumonia in District of Columbia; duties of Council of the District of Columbia.
131. Fences along international boundary lines to keep out diseased animals.
132, 133. Transferred or Repealed.
134. Definitions.
134a. Seizure, quarantine, and disposal of livestock or poultry to guard against introduction or dissemination of communicable disease.
 (a) Authority of Secretary.
 (b) Determination of extraordinary emergency due to dangerous communicable disease; seizure, quarantine, and disposal of animals; action authorized only if adequate measures not taken by State or other jurisdiction; notice to State or other jurisdiction.
 (c) Notice to owner to quarantine or to dispose of animal, carcass, product, or article; action on failure to comply; costs.
 (d) Compensation of owner; fair market value; payments from State or other source; availability of funds.
 (e) Restriction on payment of compensation in cases of violation of law or regulation.
134b. Regulations for clean and sanitary movement of animals.
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 (a) Criminal and civil penalties.
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134f. Promulgation of regulations.
134g. Authority in addition to other laws; repeal of inconsistent provisions.
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135. International animal quarantine station; establishment; acceptance of gifts; cooperation with breeders' organizations; collection of fees.
135a. Smuggling penalties.
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135b. Authorization of appropriations.
136. Additional inspection services.
136a. Collection of fees for inspection services.
 (a) Quarantine and inspection fees.
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SUBCHAPTER IV—IMPORTATION OF MILK AND CREAM

141. Prohibition of importation without permit.

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142. Milk or cream when unfit for importation.
143. Inspection; certified statement in lieu thereof; waiver of requirements of section 142; regulations; suspension and revocation of permits.
144. Unlawful receiving of imported milk or cream.
145. Penalties.
146. Authorization of appropriations.
147. Repeal of inconsistent laws.
148. Powers of State with respect to milk or cream lawfully imported.
149. Definitions.

SUBCHAPTER I—EXAMINATION OF ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

§§ 71 to 92. Transferred

CODIFICATION

Section 71, act Mar. 4, 1907, ch. 2907, 34 Stat. 1260, which related to inspection of meat and meat food products, examination of cattle before slaughtering, separate slaughtering of diseased animals and examination of carcasses, was transferred to section 603 of this title.

Section 72, act Mar. 4, 1907, ch. 2907, 34 Stat. 1260, which related to post mortem examination of carcasses, marking and labeling, destruction of condemned carcasses, and reinspection, was transferred to section 604 of this title.

Section 73, act Mar. 4, 1907, ch. 2907, 34 Stat. 1261, which related to examination of carcasses brought into slaughtering or packing establishments and of meat food products issued from and returned thereto, was transferred to section 605 of this title.

Section 74, act Mar. 4, 1907, ch. 2907, 34 Stat. 1261, which related to examination and inspection of meat food products, marks of inspection, destruction of condemned products, and products for export, was transferred to section 606 of this title.

Section 75, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to labeling of receptacles and coverings of meat and meat food products inspected and passed, supervision by inspectors, prohibition of sales under false names, was transferred to section 607 of this title.

Section 76, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to sanitary inspection and regulation of slaughtering and packing establishments, and rejection of meat or meat food products unfit for food, was transferred to section 608 of this title.

Section 77, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to examination of cattle and food products thereof slaughtered and prepared during night time, was transferred to section 609 of this title.

Section 78, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to prohibition of transportation of carcasses, meat, or meat food products not properly inspected and marked, was transferred to section 610 of this title.

Section 79, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to forgery, alteration, and unauthorized use of marks, labels, and certificates, was transferred to section 611 of this title.

Section 80, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to inspection of animals for export, was transferred to section 612 of this title.

Section 81, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to certificates of condition of animals for export, was transferred to section 613 of this title.

Section 82, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to clearance to vessels carrying cattle for export with proper certificate of inspection, was transferred to section 614 of this title.

Section 83, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to inspection of carcasses, the meat of which is intended for export, was transferred to section 615 of this title.